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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,110	09/22/2000	Mark E. Kriegsman	CLE-101	9580

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EXAMINER

BAYARD, DIJENANE M

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/668,110

Applicant(s)

KRIEGSMAN ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to amendment filed on 1/07/2007 in which claims 1-17 and 19-28 are pending.
2. The Declaration filed on 1/17/07 under 37 CFR 1.131 is sufficient to overcome the Ims et al reference.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8-16, 19-23 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,799,248 to Scherr.
 - a. As per claims 1 and 19, Scherr et al teaches a method for enabling the generation of an updated web-page for storage in one of a plurality of cache servers said method comprising: implementing programmable rule executing on each of the plurality of cache servers (See col. 5, lines 1-2, *cache management being installed at various sites on network*), each programmable

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rule defining a triggering event associated with its corresponding cache server (See col. 5, lines 49-65 and col. 6, lines 1-42) the occurrence of the triggering event being indicative of the existence of an obsolete portion of said web-page stored in said corresponding cache server (See col. 5, lines 49-65 and col. 6, lines 1-42, *cache management system can be configured to use either a page cache management, data usage frequency, page usage or data usage pattern, time frequency method*) ; detecting an occurrence of a triggering event at a particular cache server selected from the plurality of cache servers; in response to the occurrence of said triggering event, causing said particular cache server to request an update of a corresponding obsolete portion; and receiving an updated portion of said web-page for storage at said particular cache server (See col. 5, lines 49-65 and col. 6, lines 1-42).

b. As per claim 13, Scherr et al teaches a web-serving system comprising: a plurality cache servers having a corresponding cache memory and a cache manager in communication with said corresponding cache memory for controlling said content of said corresponding cache memory (See col. 5, lines 16-29), said cache manager being configured to execute a programmable script, said script being configured for detecting the occurrence of a triggering event (See page 8, paragraph [0074]), and in response to detection of said triggering event, causing said cache manager to request and update of said content said cache memory (See page col. 5, lines 49-65 and col. 6, lines 1-42).

c. As per claims 2 and 20, Scherr et al teaches generating a web-page incorporating said updated portion therein and serving said web-page to a user (See col. 6, lines 5-42).

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- d. As per claims 3 and 21, Scherr et al teaches wherein implementing said programmable rule comprises interpreting a script containing instructions for defining a rule (See col. 3, lines 54-65).
- e. As per claims 4 and 22, Scherr et al fails to teach wherein detecting said triggering event comprises detecting an elapsed time defined by said programmable rule (See col. 6, lines 5-23)
- f. As per claims 5 and 23, Scherr et al teaches wherein detecting said triggering event comprises detecting the receipt of an updated portion of said web-page (See col. 3, lines 50-65).
- g. As per claims 8 and 26, Scherr et al teaches wherein causing said particular cache-server to request an update comprises establishing communication with an origin server and causing said particular cache server to request said update therefrom, and receiving an updated portion comprises receiving said updated portion from said origin server (See col. 8, lines 44-47)
- h. As per claim 9, Scherr et al teaches wherein comprising a cache memory element separate from said origin server (See col. 5)
- i. As per claim 10, Scherr et al teaches comprising a cache memory element at said origin server (See col. 5).

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j. As per claims 11, 14 and 27, Scherr et al teaches the claimed invention as described above. Furthermore, Scherr et al teaches wherein collecting access-data indicative of how frequently said web-page is requested (See col. 3, lines 54-60 and col. 5, lines 49-60).

k. As per claim 12 and 28, Scherr et al teaches the claimed invention as described above. Furthermore, Scherr et al teaches managing the content of caches in said cache servers in response to said access-data (See col. 3, lines 54-60 and col. 5, lines 49-60)

l. As per claim 15, Scherr et al teaches the claimed invention as described above. Furthermore, Scherr et al teaches wherein said usage-monitor provides said access data to said programmable script, and said programmable script alters said content of said cache memory in response to said access-data (See col. 5, lines 49-60).

m. As per claim 16, Scherr et al teaches the claimed invention as described above. Furthermore, Scherr et al teaches a communication path between said programmable script and an administrator process, said communication path enabling said programmable script to receive instructions from said administrator process (See col. 5, lines 62-63).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,799,248 to Scherr et al in view of U.S. Patent No. 6,337,696 to Nashed.

a. As per claims 6 and 24, Scherr et al teaches the claimed invention as described above.

However, Scherr et al fails to teach wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine.

Nashed teaches a method and system for searching indexed information databases with automatic user registration via a communication network. Furthermore, Nashed teaches wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine (See col. 9, lines 11-17)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine as taught by Nashed in the claimed invention of Scherr et al in order to provide the new web page (See col. 9, line 18).

7. Claims 7, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,799,248 to Scherr et al in view of U.S. Patent No. 6,449,636 to Kredo et al.

a. As per claims 7, 17 and 25, Scherr et al teaches the claimed invention as described above.

However, Scherr et al fails to teach wherein said web-page comprises, in addition to said updated

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portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page.

Kredo et al teaches a system and method for creating a dynamic data file from collected and filtered web pages. Furthermore, Kredo et al teaches wherein said web-page comprises, in addition to said updated portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page (See col. 4, lines 15-19)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate said web-page comprises, in addition to said updated portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page as taught by Kredo et al in the claimed invention of Scherr et al in order to extract information and incorporate the extracted information in a single web page (See col. 1, lines 18-20).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER